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CAROLINE WEI-BERK
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Case 7253

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of

Strang et al.

Serial No. 09/763,049

Confirmation No. 2701

Filed: February 16, 2001

Group Art Unit: 1751

Examiner: Charles I. Boyer

Title: CLEANING COMPOSITIONS THAT REDUCE SHRINKAGE OF FABRICS

ELECTION IN RESPONSE TO A RESTRICTION REQUIREMENT

The Assistant Commissioner for Patents

BOX Non Fee Amendment

Washington, D.C. 20231

Dear Sir:

This is responsive to a Restriction Requirement dated March 27, 2003.

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REMARKSRestriction Requirement

The Examiner stated that, under 35 U.S.C. §121, restriction is required to one of the following three groups:

Group I: Claims 1, 2, 11, 12 and 27, relating to a composition for treating fabrics, classified in class 510, subclass 283;

Group II: Claims 13-17 and 28, relating to a cleaning process, classified in class 510, subclass 285; and

Group III: Claims 18-28, relating to a dryer sheet, classified in class 510, subclass 520.

The Examiner stated that Inventions I and III are related as subcombinations disclosed as usable together in a single combination. However, the Examiner states that Invention I has separate utility as a standard laundry detergent, thus, the inventions are distinct under MPEP §806.05(d).

The Examiner also stated that Inventions I and II are related as subcombinations disclosed as usable together in a single combination. However, the Examiner stated that Invention II has a separate utility as a dry cleaning detergent, thus, the inventions are distinct under MPEP §806.05(d).

Applicants respectfully traverse.

First, Applicants submit that the Restriction Requirement is improper with respect to Groups I and II since the separate utility (a dry cleaning detergent) applied by the Examiner to Group II (a process) is inconsistent with Group II and the Examiner has provided no other example of separate utility.

Second, Applicants submit that the Restriction Requirement is improper because the Examiner could easily, without undue burden, search all three Groups, as evident by the fact that they are all classified under Class 510. A thorough art search would encompass at least all three subclasses. Therefore, Applicants submit that since the art search for these claims are coextensive in scope, it would be appropriate to examine all the claims on the merits in one application.

Based on the foregoing, Applicants respectfully request the withdrawal of the restriction requirement.

Further, with respect to Groups II and III, since the Examiner provided no rationale for a restriction requirement between these two Groups and they both encompass claim 28, Applicants assume that the Examiner considered claim 28 to be the linking claim and no restriction requirement was applied to Group II and III. However, if the Examiner intended to require restriction between Groups II and III as well, Applicants respectfully request that the Examiner provide the rationale supporting such a restriction requirement in the next Office Action so that Applicants may have an opportunity to respond.

However, in a desire to expedite prosecution of the present application, Applicants provisionally elect to prosecute both Group II, Claims 13-17 and 28, and Group III, Claims 18-28.

Respectfully submitted,

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